FILED
JAN 25 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Magistrate No. '08 MJ 8068
v.	COMPLAINT FOR VIOLATION OF:
Severino AMADOR-Rios, Material Witness.	Title 18 U.S.C. § 3144 F.R.Crim.P. [Material Witness]

The undersigned complainant being duly sworn states:

That on or about January 21, 2008, within the Southern District of California, material witness, Severino AMADOR-Rios, did witness and observe defendants "F.R.H." and "P.M.D." transport into the United States two undocumented aliens, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii). The Material Witness testimony is essential to support a petition in the State of California Juvenile Court against the minors and whose whereabouts at the time of trial will be a foreign country, or unknown, a warrant for his arrest should be issued, and he should be detained until his testimony can be secured. The affiant further alleges that the above-referenced material witness is a citizen and native of Mexico with no legal right to remain in the United States, and have no apparent means of support or family ties.

Therefore, the above-referenced material witness is a material witness under Title 18, United States Code, Section 3144.

This complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

DATED: January 25, 2008

MICHAEL MIKUSKI
U. S. BORDER PATROL AGENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25TH DAY OF JANUARY, 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

Material Witness
Severino AMADOR-Rios

STATEMENT OF FACTS

1. I am a Senior Patrol Agent with the United States Border Patrol, assigned to the El Centro Sector Prosecutions Unit. This affidavit is made in support of a material witness complaint and arrest warrant, pursuant to Title 18, United States Code, Section 3144, for Severino AMADOR-Rios. This application seeks the Witness's detention so that his testimony may be secured for trial in the Southern District of California.

2. The United States Government has filed a juvenile petitions against "F.R.H." and P.M.D.", within the State of California's Juvenile Court system for the violations of Title 8, United States Code, Section 1324, Transportation of Illegal Aliens within the Southern District of California. The Government has also filed petitions for "F.R.H." for violating California State Penal Code 148 (a)(2), Resist, Obstruct, Delay of Public Officer

3. On January 21st of 2008, Border Patrol Agents of the El Centro Sector encountered both "F.R.H." and "P.M.D." as they attempted to smuggle three illegal aliens for financial gain.

4. At approximately 3:46 P.M. Border Patrol Agent T. Reber attempted to stop a white Ford Crown Victoria, bearing California registration plate of 5LUUM948, to further investigate a possible violation of 8 U.S.C. 1324. Agent Reber could see two visible front seat occupants. Using the emergency lighting and sirens on his Border Patrol Vehicle attempted to stop the Ford. The driver, later

identified as "F.R.H.", accelerated away from the agent thus failing to yield and endangering the motoring public. Agent Reber discontinued pursuit as "F.R.H." exceeded the posted speed limits. Agent Reber reported the Ford was last seen driving eastbound on Interstate 8.

5. At approximately 4:00 P.M. Agent I. Cerda encountered a white Ford Crown Victoria traveling northbound on state Highway 111. Agent Cerda was able to confirm this Ford had the same California registration plate as that of the Ford Agent Reber had attempted to stop but failed to yield for him. Agent Cerda continued to follow the Ford and could only see two visible front seat occupants. Agent Cerda attempted to have agents respond and to get into position to assist him with stopping the Ford.

6. As the Ford passed Agent Penhallegon's position, Agent Penhallegon recognized the driver, "F.R.H.", and the passenger, "P.M.D.", from previous apprehensions for their involvement in smuggling schemes and that they both are undocumented alien to the United States. Agent Penhallegon reported this to fellow agents in the area.

7. Still following the Ford, Agent Cerda could see the driver, "F.R.H.", looking in the rear view mirror at him. "F.R.H." then accelerated away form Agent Cerda.

8. East of the city of Niland, California, based on the observations of the agents and the fact Agent Cerda could see multiple individuals popping up and down in the rear seat of the vehicle, using the lights and siren of his Border Patrol Vehicle Agent Cerda

attempted to stop the Ford. Again "F.R.H." failed to yield to the agent and accelerated away from him.

9. After approximately one mile "F.R.H." finally stopped the Ford for the agent. Agent Cerda removed "F.R.H." from behind the steering wheel of the Ford.

10. Agents questioned the occupants of the Ford and determined them all to be citizens of countries other than the United States illegally in the United States.

11. Material Witnesses to the incident are able to provide positive identification of the principal, "F.R.H." and the co-principal, "P.M.D.", as having a significant part in the smuggling scheme. The Material Witnesses are also able to provide significant testimony which would cooberate the statements of the Agents.

12. Based on the foregoing, I respectfully submit testimony from SEVERINO AMADOR-RIOS at trial will be material.

13. In addition, it will not impractical to secure the presence of SEVERINO AMADOR-RIOS by subpoena for the following reasons:

a. SEVERINO AMADOR-RIOS is not a citizen of the United States and currently resides in Mexico with his family;

b. SEVERINO AMADOR-RIOS does not possesses any immigration documentation to be, reside or live in the United States lawfully.

c. SEVERINO AMADOR-RIOS has an incentive to avoid coming to the United States and appearing in court as a government witness as he was trying to illegally enter the United States without properly filing for admittance.

14. I believe that, based on the facts set out above, there is no condition or combination of conditions that would reasonably assure the appearance of SEVERINO AMADOR-RIOS. Accordingly, I respectfully request that a complaint and arrest warrant be issued for SEVERINO AMADOR-RIOS.

WHEREFORE your affiant prays that the Court issue a material witness warrant for SEVERINO AMADOR-RIOS, and he be imprisoned or bailed as the case may be.